

# **PUBLIC NOTICE**

## **AMENDMENT TO AGENDA OF MEETING OF CLINTON CITY COUNCIL**

**THURSDAY, MAY 28, 2015**

**5:30 P.M.**

**FRISCO CENTER**

### **Action Items:**

- 3. Consider Ordinance No. 935E regarding Amending, Repealing, and Replacing Water Conservation Procedures**
- 4. Consider Resolution No. 851 regarding Lifting the Extraordinary Water Use Restrictions**
- 5. Adjourn**

Filed this 26 day of May, 2015,

and Posted on the Bulletin Board in the Lobby of the City Hall on

May 26, 2015, at 4:45 ~~A.M.~~ P.M.

Lisa Anders

**Lisa Anders, City Clerk**

ORDINANCE NO. 935E

**AN ORDINANCE TO AMEND, REPEAL AND  
REPLACE WATER CONSERVATION PROCEDURES  
DURING PERIODS OF DROUGHT THROUGH  
EFFICIENT LANDSCAPE IRRIGATION; AND  
ESTABLISHING PENALTIES FOR VIOLATIONS  
THEREOF**

WHEREAS, the City has previously adopted Ordinance No. 935, 935A, 935B, 935C and 935D.

WHEREAS, implementation of Ordinance No. 935, 935A, 935B, 935C and 935D have addressed water shortage issues, but substantial rainfall has made for a temporary abundance of water.

WHEREAS, it has come to the attention of the Council that the current watering allowances are insufficient to sustain newly planted sod and landscaping.

WHEREAS, the Council, understanding the drought impact, desires to balance the need for outdoor watering and the aesthetic qualities of our community.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CITY OF CLINTON, OKLAHOMA:

I. Ordinance No. 935, 935A, 935B, 935C and 935D (Codified in Title 9 Chapter 5 of the Clinton City Code of Ordinances), shall be repealed and replaced as follows.

II. WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION

**Section 1. INTENT AND PURPOSE.** It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through more efficient landscape irrigation, during our drought conditions.

**Section 2. DEFINITIONS.**

For the purpose of this Article, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

- A. "Address" means the house number of a physical location of a specific property. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

- B. "City" means the City of Clinton.
- C. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- D. "Landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.
- E. "Residential landscape irrigation" means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.
- F. "Non-residential landscape irrigation" means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

### **Section 3. LANDSCAPE IRRIGATION SCHEDULES.**

- A. Water use restrictions will begin with voluntary implementation beginning February 1<sup>st</sup> of each year and mandatory implementation beginning April 1<sup>st</sup>, until October 30<sup>th</sup> of each year. Use restrictions shall include the following restrictions:
  - 1. Outdoor irrigation of landscaping with sprinkler systems and hose-end sprinklers will be limited to two (2) hours once a week
  - 2. Residents and business with even numbered addresses will be allowed to water on Tuesdays for any two (2) hours between 8:00 p.m. and 12:00 a.m. only.
  - 3. Residents and business with odd numbered addresses will be allowed to water on Fridays for any two (2) hours between 8:00 p.m. and 12:00 a.m. only.
  - 4. Outdoor irrigation of landscaping utilizing hand watering, drip irrigation and soaker hoses shall be allowed every day of the week for two (2) hours per day, between the hours of 8:00 p.m. and 12:00 a.m. only. All hoses must be equipped with a positive shutoff valve.
  - 5. After June 1<sup>st</sup> of each year, existing swimming pools can only be filled to replace normal water loss due to evaporation.

6. Permits for new swimming pools (either above or below ground) shall only be issued between November 1<sup>st</sup> and March 30<sup>th</sup> of the following year.
7. Use of fountains is prohibited.
8. Restaurants may only serve a glass of water upon request by the customer.
9. Vehicle washing is limited to commercial and mobile car washing only.
10. Personal washing of vehicles is prohibited at any location not specifically designed and permitted for vehicle washing.
11. Washing down of sidewalks, walkways, driveways, parking lots, streets and gutters is prohibited.
12. Washing down of buildings is prohibited, unless for fire protection.
13. All water leaks must be repaired within a reasonable time frame.

B. Exceptions: New Landscape irrigation shall be subject to the following irrigation schedule exceptions:

1. Sod may be watered for a period not to exceed 90 days, from the date of installation provided that the irrigation is limited to the minimum amount necessary for such landscape establishment ; and
2. Shrubs, bushes, and trees may be watered for a period not to exceed 60 days, from the date of installation provided that the irrigation is limited to the minimum amount necessary for such landscape establishment;
3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed ¼ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.
4. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 5 minutes per hour per zone.
5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle

is allowed at any time of day on any day.

- C. **Variances From Specific Days:** A variance from the specific landscape irrigation days or day set forth in Section 3 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week. A petition must be filed with the City Clerk requesting a variance. The City Manager shall hear all applications within ten (10) days of the application being filed.

An adverse decision of the City Manager may be appealed, in writing within ten (10) days, to be heard by the Council.

- D. During the periods of excess water, or in the opinion of the council use restrictions are not needed, council may by Resolution, lift any or all use restrictions described herein.

#### **Section 4. EXTRAORDINARY WATER USE RESTRICTIONS**

- A. **Extraordinary Use Restrictions:** Whenever an Emergency exists by reason of a shortage of water due to an inadequate supply; limited treatment or distribution capacity; failure of equipment or material; or mandatory reductions or rationing imposed by a State, Federal or Regulatory Agency or the Foss Master Conservancy District, the Authority is hereby authorized to impose, by adoption of a resolution, additional restrictions or prohibitions on the use of water from the water system, including, but not limited to:
1. A total ban on the outdoor use of water for non-essential use, excluding watering by soaker hoses during the hours identified in subsection 3. This shall include the possible removal or locking of all irrigation meters from residences and businesses.
  2. **New landscape waiver.** A waiver of subsection 4(A)(1) may be granted for the irrigation of new landscaping plants whereby watering would be allowed in accordance with subsection 3(B), but and only between the hours of 6 pm to 7pm.
    - a. Any person wishing such a waiver must make application to the City Manager or Designee, receive approval and pay a \$50.00 non-refundable fee.
    - b. Applicants receiving the above waiver must agree to pay a water rate that is three times normal rate for that customer for all consumption in excess of 4000 gallons as registered by a City owned meter. The City may and typically will flow test meters measuring water used under this waiver. This special rate shall be in lieu of the surcharge cited elsewhere herein.

- c. Persons who desire a waiver for new landscapes shall utilize exclusively water-use efficient trees, shrubs, ground covers, ornamental plants and turf; and are to utilize the use of mulch, compost and zonal irrigation systems. These plants and practices shall be those recommended by or recognized as water efficient and suitable for the area by Oklahoma State University. Turf grasses that qualify are Buffalo grass and Bermuda grass.
- d. At any time, should the circumstances dictate, the City Manager may terminate and withdraw all waivers. If the waivers are terminated by the unilateral action of the City Manager, the issue shall be placed upon the next council agenda for review.

B. Limitation: Any Extraordinary Restriction, as described shall be reviewed by the Authority on a monthly basis, but, in no event shall the restrictions extend beyond the reasonable duration of the underlying shortage and any restrictions may be terminated, at any time, by Resolution of Council.

**Section 6. APPLICATION OF ORDINANCE.** The provisions of this Ordinance shall apply to all users of Municipal Water.

**Section 7. ENFORCEMENT OFFICIALS.** The Police Department is hereby authorized to enforce the provisions of this Ordinance. In addition, the City Manager may also delegate enforcement responsibility for this ordinance to agencies and department of city government.

**Section 8. PENALTIES.** Violation of any provision of this Ordinance shall be subject to the penalties described in 1-4-1 of this Code.

Each day in violation of this Ordinance shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Article.

**Section 9. CODIFICATION.** This Ordinance shall be codified as described in 2-16 of the City Code.

**Section 10. SEVERABILITY.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**III. Emergency Clause.** This ordinance shall take effect immediately upon adoption.

**PASSED AND DULY ADOPTED by the Council of the City of Clinton, Oklahoma this**  
**\_\_\_\_ day of \_\_\_\_\_, 2015.**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**(SEAL)**

RESOLUTION 851

A RESOLUTION LIFTING THE EXTRAORDINARY WATER USE  
RESTRICTIONS PROVIDED FOR IN 9-5-3 OF THE CLINTON CITY  
CODE

WHEREAS, there has been substantial rainfall, which has filled Clinton Lake and significantly increased the volume of Foss Lake;

WHEREAS, the City has implemented both mandatory and extraordinary water use restrictions, and

WHEREAS, Subsection II(3)(D) and Subsection II(4)(B) of Ordinance No. 935E allow for the lifting of water use restrictions.

NOW THEREFORE, be it resolved by the City Council of the City of Clinton that the water conservation procedures established in Ordinance No. 935E (Clinton City Code 9-5-3) are hereby lifted in their entirety, until such time as the council deems necessary under the Code to reimplement the restrictions.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Seth Adams, Mayor

ATTEST:

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LISA ANDERS, City Clerk